IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7656 OF 2007

Panchakshari Vidyavardhak
Sanstha (Maryadit), Malkavathe .... Petitioner

versus

Shivraya Siddhappa Kavathe ..... Respondent.

Shri Girish Godbole for the petitioner
Shri Shrishali Sakhare for respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 23RD OCTOBER, 2007

P.C.;

1. The respondent instituted a suit for perpetual injunction against the present petitioner/defendant. Issues are already framed and when the case had reached the stage of trial, an application was moved by the defendant/petitioner to implead the P.W.D. of Zilla Parishad, Solapur, as party defendant. The trial court has rejected the said application. The trial court has held that the PWD of Zilla Parishad is neither necessary or proper party. The plaintiff opposed the application and it is asserted that the plaintiff being a dominanlitis has a choice to array the defendant in a suit and the defendant cannot foist a third party as a defendant in the suit, and if and in case ultimately it is found that the PWD is a

necessary party, the plaintiff will suffer.

2. Perused the order passed by the trial court. The same does not call for any interference. Leaving all questions raised in this petition open to be agitated in regular appeal in the event if the decree is passed against the petitioner, this writ petition is summarily dismissed.

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